

Smart Case in Jury's Hands

Prosecution: Widow a 'Programmed Robot'
Defense: Teen Trio 'Not . . . Worthy of Belief'

By TAMI PLYLER

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EXETER — Was Pamela Smart a "basket case" who, desperately trying to hide her affair with a 16-year-old boy, lied to police about the affair, but had no part in her husband's murder?

Or was she a "programmed robot" and a cold, calculating temptress who "unequivocally planned, orchestrated and covered up" the murder of her husband in an effort to protect her reputation?

Both sides were presented yesterday during closing arguments before the 12-member jury was left to deliberate the fate of the former media director of SAU 21.

The jury, which deliberated for approximately 2½ hours yesterday, will resume its work today at 9 a.m.

Smart, 23, is charged with plotting and helping three teenagers carry out the murder of her husband Gregory, 24, last May 1.

The three teenagers, William Flynn, now 17, Patrick "Pete" Randall, 17, and Vance Lattime Jr., 18, have admitted to

their part in the crime, but say it was Smart, 23, who motivated them to do it.

Prosecutors say Flynn carried out the execution-style killing for love, while Randall and Lattime helped out in return for money.

But the defense said yesterday they were thrill-killers who should not be believed.

"They're vicious animals. They're not human beings worthy of belief. They're bad people," said defense attorney Paul Twomey.

Twomey said the teens lied about what happened in Smart's Derry condominium the night of May 1, suggesting they tortured him in some way they won't admit, before firing a bullet into his brain.

He noted that the teens' friend Ralph Welch, who heard about the murder in June and turned his friends in to the police, testified he was sickened when he learned his friends were involved in the murder.

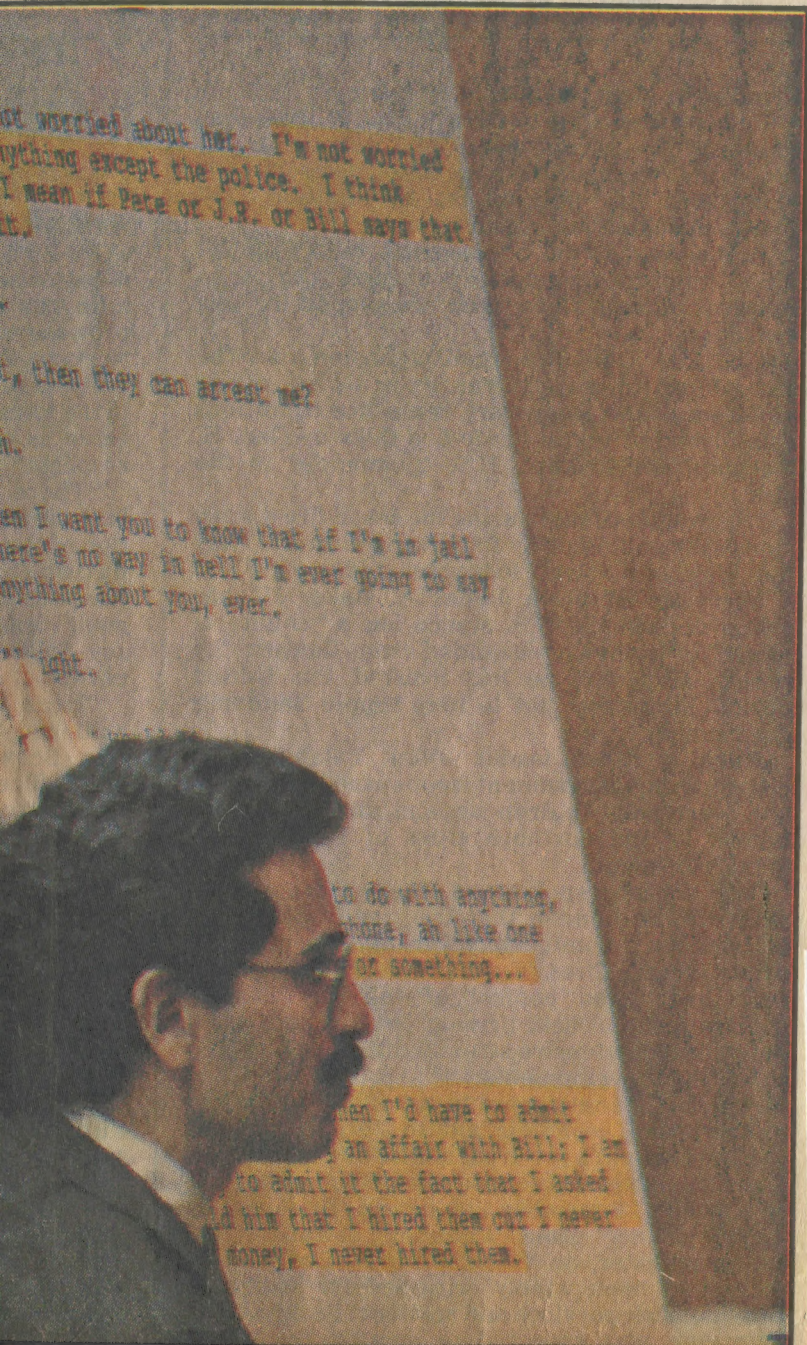
"If Ralph Welch's friends make him sick, they should make you sick, too,"

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Union Leader File Photo

PAMELA SMART



George Naum/Union Leader

SMART TRIAL

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Twomey said.

Assistant Attorney General Paul Maggiotto agreed that the teenagers committed a "despicable" act, but said "That's not the issue before us. We didn't put (them) on the stand for you to like them, we put them on the stand for you to evaluate the truth."

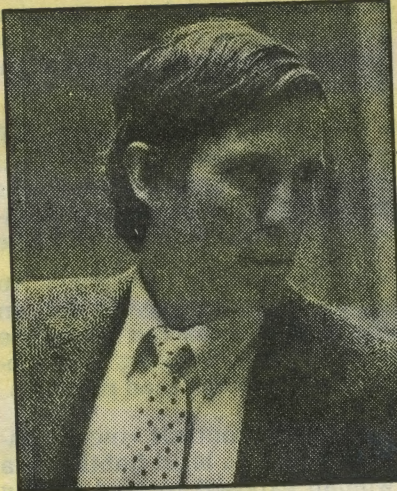
Another teenager, Cecelia Pierce, 16, testified last week that she was present during murder planning sessions between Smart and Flynn, and was privy to Smart's cover-up of their affair and Smart's alleged involvement in the crime.

Pierce wore a secret "body wire" for police and recorded conversations authorities say implicate Smart in the murder.

According to Twomey, however, while the tapes do seem damaging at some points, they point to his client's innocence in others.

He pointed to Smart's shame at the affair with Flynn and fear of being wrongly arrested in the murder of her husband because of that affair.

In listening to the taped conversations with Pierce, Twomey asked the jury to imagine his client as "a basket case who had something she desperately has to prove, that she desperately has to hide that affair. She's now terrified she's going to be arrested because of the affair. She's having a conversation and she definitely has an agenda —



PAUL TWOMEY
Made closing argument for defense

to hide that affair."

Twomey noted Smart was 22 years old and her husband had been murdered by her former lover. "Could that cause such trauma and such stress that (she'd) act in an irrational manner?" he questioned.

Smart said this week that she didn't want to believe Flynn killed her husband and she tried to find out whether it was true on her own, pretending to Pierce she had prior knowledge of the crime, so Pierce would tell what she knew.

If Smart believed Flynn committed the crime, Twomey said, she would have had to believe her affair led to her husband's death.

"Would you embrace that and

say 'good, I'm happy they solved it,' or would you shrink from that and pray and hope it wasn't true and try to find a way to show it isn't true?" he said to the jury.

While Twomey seemed to concede to the charge of witness tampering, he suggested it was a result of her mental state and not her involvement in the murder.

"She snapped," he said.

But Maggiotto, however, rebutted Smart's explanation that she was frantic and confused when Pierce taped their conversation and called her a "programmed robot," whose motivation for the murder was to save her reputation at all costs.

"I'm not suggesting she killed for insurance money, I'm not suggesting she killed for the furniture," he said. "She's very concerned about her image."

If the affair, which Smart said she admitted to her husband shortly before he was killed, came out, he noted, it would have ruined her reputation and she would have lost her job.

"You can decide for yourself whether this is a frantic woman, desperate, about to snap, or a cool, calculated operator rallying her wagons around her, talking to lawyers, talking to Cecelia," he said.

"What you will see is that as the circle was closing in on Pamela Smart, as Ralph Welch had gone to the police, she was doing everything in her

power to set up her defense, to keep Cecelia Pierce quiet, to keep the police off the trail."

Maggiotto pointed to Flynn's testimony about his first sexual experience with Smart and told the jury the details of that night were not intended to titillate, but to show how she manipulated Flynn.

When she threatened to leave Flynn unless he killed her husband, as Flynn testified, he was only too willing to do anything for her, Maggiotto said.

"By that time her hook was so deep into that kid's psyche, so deep into his hormones, (he'd) be willing to participate," Maggiot-

to said.

Maggiotto also questioned how the teens knew key details, such as the approximate amount of insurance money, how they got into the house when there was no sign of forced entry and how they knew what time Gregory Smart would return home on the night of the killing.